

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DANAHER CORPORATION,

Plaintiff,

vs.

THE TRAVELERS INDEMNITY
COMPANY, et al.,

Defendants.

Case No. 10-CIV-0121 (JPO) (JCF)

**NOTICE OF MOTION FOR PARTIAL
SUMMARY JUDGMENT AND
APPLICATION FOR SUPPLEMENTAL
ALLOCATION PROCEEDINGS**

PLEASE TAKE NOTICE that the undersigned, attorneys for Plaintiff Danaher Corporation and Third-Party Defendant Atlas Copco North America LLC (collectively, "Movants"), shall move before the Honorable J. Paul Oetken, U.S.D.J., at the United States Courthouse, 500 Pearl Street, New York, New York, on a date and time to be determined by the Court, for an Order, pursuant to Federal Rule of Civil Procedure 56, granting partial summary judgment and ordering supplemental allocation proceedings.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Movants shall rely on the Brief, Statement of Material Facts, and Declaration of Adam J. Budesheim filed simultaneously herewith.

PLEASE TAKE FURTHER NOTICE that Movants respectfully request oral argument.

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